

Appl. No. : 10/705,548
Filed : November 10, 2003

REMARKS

Claims 1-24 stand rejected 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,270,744 (“Portney”). Applicants respectfully traverse the rejection.

On June 17, 2005, a telephonic interview was held between the Examiner and the undersigned to discuss the merits of the case in light of Portney. The undersigned wishes to thank the Examiner for a profitable interview and clarification regarding his position with respect to Portney. During the interview, the Examiner asserted that Applicants’ claims, as amended in Applicants’ communication to the USPTO mailed on January 24, 2005, read on Portney. Applicants traverse this assertion, since such an interpretation of Portney would make the multifocal lens taught therein inoperative for its intended purpose. The Examiner suggested during the interview that Applicants amend claim 1 to read, in part, “...the plurality of zones all disposed such that all light entering all the zones of the monofocal ophthalmic lens from a distant point source is focused to substantially a single point.” (The underlined portions represent added matter suggested by the Examiner).

Independent claims 1, 12, and 22 have been amended to further clarify that these claims are directed to multi-zonal monofocal intraocular lenses. The amendments to claims 1, 12, and 22 are for the purpose of clarification and do not limit or otherwise diminish the scope of the claims as originally claims as filed. New claims 25-26 have been added to further point out and distinctly claim subject matter that Applicants regard as their invention. New claims 27-31 have also been added, independent claim 27 being identical to the un-amended version of independent claim 12 originally filed in the instance application.

Support for the amended claims 1, 12, and 22 and newly added claims 25-26 is found at least in the specification as originally filed on page 7, lines 13-17 and page 11, lines 15-17. For example page 7, lines 15-17 states that, “In the case of a multi-zonal monofocal lens, light from a distant point source entering the lens zones substantially fall within the range of the depth-of-focus of a spherical lens having an equivalent focal length.” As suggested by the Examiner, support for the term “all light” is at least found in the use of the word “light” as found on page 7, lines 13-17. Specifically, the Merriam-Webster Online Dictionary defines “light” as:

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a) something that makes vision possible... c) an electromagnetic radiation in the wavelength range including infrared, visible, ultraviolet, and X rays...; *specifically*: the part of this range that is visible to the human eye.

Applicants wish to point out that the paragraph on page 7, line 13 of the scanned version of the specification found on PAIR and the corresponding Patent Application Publication Number 2004/0106992 both contain at least one error. Specifically, both of these documents read "...entering the lens. zones substantially...", whereas the specification as originally filed reads "...entering the lens zones substantially..." (i.e., without a period (".") between the words "lens" and "zones.") Furthermore, paragraph [0030] of Patent Application Publication 2004/0106992 contains at least two errors. Specifically, the words "fficiency" and "nversely" printed in '992 publication should read "efficiency" and "inversely," respectively, as found in the application as filed and the scanned version found in PAIR.

Claims 1-11 Are Not Anticipated by Portney.

Claims 1-11 stand rejected 35 U.S.C. § 102(b) as being anticipated by Portney. Applicants respectfully traverse the rejection.

Portney teaches a multifocal ophthalmic lens having a plurality of alternating power zones with a continuously varying power within each zone, as well as transitions from one zone to another. A plurality of concentric zones (at least two) are provided to vary from far to near vision correction, i.e., from near correction focal power to far correction focal power, then back to near, and again back to far, or vice versa. Portney, abstract.

By contrast, Applicants' claim 1, as amended, is directed to a monofocal ophthalmic lens comprising, among other things, a plurality of zones all disposed such that all light entering the inner zone, the intermediate zone, and the outer zone of the monofocal ophthalmic lens from a distant point source is focused to substantially a single point

Portney does not teach nor even suggest a multi-zonal monofocal ophthalmic lens with a plurality of zones disposed such that all light entering the inner zone, the intermediate zone, and the outer zone of the monofocal ophthalmic lens from a distant point source is focused to substantially a single point. To the contrary, Portney teaches a multifocal ophthalmic lens comprising a plurality of concentric zones having different powers, specifically a low power, an intermediate power, and a high power. Portney, column 5, lines 19-23. Portney thus teaches that

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all light entering an intraocular lens from a distant point source focuses to a plurality of points corresponding to the high power, the intermediate power, and the low power portions of the lens surface taught by Portney. Indeed “multifocal lenses” are defined as “lenses with more than one focal point, thus allowing a person with presbyopia to see at more than one near distance.” Harold A. Stein, M.D., Bernard J. Slatt, M.D., and Raymond M. Stein, M.D., Ophthalmic Terminology Speller and Vocabulary Builder, Second Addition, The C. V. Mosby Company, publisher, 1987. By contrast Claim 1 is directed to a monofocal ophthalmic lens, in that light from a distant point source is focused to substantially a single point, which clearly does not read on or describe, either in structure or function, the multifocal lens ophthalmic lens taught by Portney.

At least because Portney does not teach or suggest all of the limitations of claim 1, Applicants request the Examiner to indicate that amended claim 1 is allowable. Claims 2-11 depend from claim 1 and further define the invention of claim 1. Thus, claims 2-11 are patentable over Portney at least for the same reasons that claim 1 is patentable thereover, and are patentable in their own right as well.

Claims 12-22 Are Not Anticipated by Portney.

Claims 12-22 stand rejected 35 U.S.C. § 102(b) as being anticipated by Portney. Applicants respectfully traverse the rejection.

The teachings of Portney as discussed above in regards to claims 1-11 are directed to multifocal ophthalmic lenses. By contrast, Applicants’ claim 12, as amended, is directed to a monofocal intraocular lens comprising, among other things, a first surrounding zone concentric about an inner zone and adapted to compensate for optical aberrations in the image resulting from implanted intraocular lens decentration of greater than at least about 0.1 mm, the inner zone and the first zone disposed such that all light entering the inner zone and the first surrounding zone of the monofocal ophthalmic lens from a distant point source is focused to substantially a single point.

Portney does not teach or suggest at least two limitations of claim 12. First, Portney does not teach or suggest an inner zone and a first surrounding zone disposed such that all light entering the inner zone and the first surrounding zone of the monofocal ophthalmic lens from a distant point source is focused to substantially a single point. To the contrary, as discussed above,

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Portney teaches a multifocal ophthalmic lens comprising a plurality of concentric zones having different powers, specifically a low power, an intermediate power, and a high power. Portney thus teaches that all light entering an intraocular lens from a distant point source focuses to a plurality of points. By contrast Claim 12 is directed to a monofocal intraocular lens, in that light from a distant point source is focused to substantially a single point, which clearly does not read on or describe, either in structure or function, the multifocal lens ophthalmic lens taught by Portney.

Furthermore, Portney does not teach nor suggest anything regarding compensation of optical aberrations much less, as recited in claim 12, a first surrounding zone concentric about the inner zone and adapted to compensate for optical aberrations in the image resulting from implanted intraocular lens decentration of greater than at least about 0.1 mm.

At least because Portney does not teach or suggest all of the limitations of claim 12, Applicants request the Examiner to indicate that amended claim 12, is allowable. Claims 13-21 depend from claim 12 and further define the invention of claim 12. Thus, claims 13-21 are patentable over Portney at least for the same reasons that claim 12 is patentable thereover, and are patentable in their own right as well.

Claims 22-24 Are Not Anticipated by Portney.

Claims 22-24 stand rejected 35 U.S.C. § 102(b) as being anticipated by Portney. Applicants respectfully traverse the rejection and asserts that independent method claim 22 includes pertinent elements of the monofocal lens in claim 1 that are not taught by Portney. Therefore, claim 22 is patentable over Portney at least for the same reasons that claim 1 is patentable thereover, and is patentable in its own right as well.

At least because Portney does not teach or suggest all of the limitations of claim 22, Applicants request the Examiner to indicate that amended claim 22 is allowable. Claims 23-24 depend from claim 22 and further define the invention of claim 22. Thus, claims 23-24 are patentable over Portney at least for the same reasons that claim 22 is patentable thereover, and are patentable in their own right as well.

New Claims 25-31 Are Not Anticipated by Portney.

New claims 25-31 are not anticipated by Portney.

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New independent claim 25 is directed to a multi-zonal monofocal ophthalmic lens comprising, at least in part, a plurality of zones disposed such that all light from a distant point source entering an inner zone, an intermediate zone, and an outer zone of the lens substantially fall within the range of the depth-of-focus of a spherical lens having an equivalent focal length. Portney does not teach nor suggest an ophthalmic lens in which the zones disposed such that all light from a distant point source entering the zones of the lens substantially fall within the range of the depth-of-focus of a spherical lens having an equivalent focal length. To the contrary, Portney teaches a multifocal ophthalmic lens comprising a plurality of concentric zones having different powers, specifically a low power, an intermediate power, and a high power (Portney, column 5, lines 19-23). Thus, Portney teaches that light from a distant point source entering an intraocular lens focus to a plurality of points corresponding to the different powers of each zone. As a result, at least some of the plurality of points would fall outside the range of the depth-of-focus of a spherical lens having an equivalent focal length, since at least one characteristic of a multifocal focal lens is to provide vision at distances that cannot be resolved by a spherical lens (i.e., vision at distances that do not fall within the depth-of-focus of a spherical lens).

New independent claim 27 is identical to original claim 12 of the application as filed and, therefore, Applicants assert that a new search is not necessary for consideration thereof. Claim 27 is respectfully submitted for consideration by the Examiner, since the undersigned was unable find any direct or detailed rejection of the specific limitations cited in claim 12 as originally filed. Specifically, claim 27 (and original claim 12) is directed to a multi-zonal monofocal ophthalmic lens comprising, at least in part, a first surrounding zone concentric about the inner zone and adapted to compensate for optical aberrations in the image resulting from implanted intraocular lens decentration of greater than at least about 0.1 mm. Applicants assert that Portney does not teach nor suggest compensation of optical aberrations much less, as recited in new claim 27 and original claim 12, a first surrounding zone adapted to compensate for optical aberrations in the image resulting from implanted intraocular lens decentration of greater than at least about 0.1 mm.

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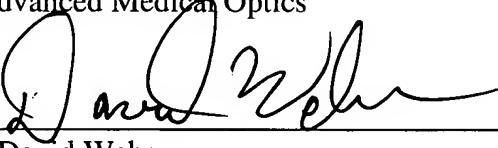
CONCLUSION

For the foregoing reasons, Applicants respectfully assert that the claims now pending are allowable over the prior art of record. Therefore, Applicants earnestly seek a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
Advanced Medical Optics

Dated: August 18, 2005

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